

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON TEXAS**

IN RE:)
) Case No.: 11-36970
UPD Global Resources, Inc.,) Chapter 11
)
Debtor.)

**MOTION OF CONTINENTAL CASUALTY COMPANY TO RECONSIDER/RENEW
PURSUANT TO BANKRUPTCY RULE 3006 MOTION TO WITHDRAW
CLAIM AND NOTICE OF HEARING**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOU MUST FILE WITH THE UNITED STATES BANKRUPTCY COURT, 515 RUSK, HOUSTON, TX 77002. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

A HEARING ON THIS MOTION HAS BEEN SET FOR SEPTEMBER 17, 2015, AT 2:30 P.M. IN COURTROOM 403, 515 RUSK, HOUSTON, TX 77002.

TO THE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, CONTINENTAL CASUALTY COMPANY, through the undersigned counsel, who respectfully moves this Court under Bankruptcy Rule 3006 for an order granting Continental Casualty Company's Motion to Withdraw Claim and in support thereof represents as follows:

1. The Court has jurisdiction of this matter under 28 U.S.C. §1334(a) and (b), 28 U.S.C. §157(a) and (b)(1) and 28 U.S.C. §151. This is a core proceeding under 28 U.S.C. §157(b)(2)(A).

2. On January 28, 2015, Continental Casualty Company ("CCC") caused to be filed with the Court a Notice of Transfer of Claim Other than for Security. The Notice of Transfer related to the transfer of Claim No. 3 filed by PBC Services, Inc. in the amount of \$5,878,070.49 ("Claim"). The Claim of UPD was deemed allowed as a general unsecured claim in the amount of \$5,670,534.77, pursuant to an Order entered by the Bankruptcy Court on October 16, 2012. The Claim has been transferred and assigned, other than for security, to CCC. Attached to the Notice of Transfer of Claim Other than for Security is an acknowledgment by counsel for PBC Services, Inc., that Claim No. 3 filed by PBC Services, Inc. has been transferred and assigned, other than for security, to CCC and CCC holds all right, title and interest to said Claim. A copy of the Notice to Transfer is attached hereto as Exhibit A.

3. The underlying basis for the Claim was a judgment entered in favor of PBC Services, Inc. and against UPD Global Resources, Inc. in the District Court for the Southern District of Texas, Houston Division, in *PBC Services, Inc. v. UPD Global Resources, Inc.*, case no. 08-cv-00235. In addition to transferring the Claim to CCC, PBC Services, Inc. also assigned the judgment in the District Court action to Continental Casualty Company. Attached hereto as

Exhibit B is a true and correct copy of the Notice of Transfer of that judgment from PBC Services, Inc. to Continental Casualty Company which was filed with the District Court on January 27, 2015.

4. The former owner of Claim No. 3 had participated in the UPD Global Resources, Inc. bankruptcy proceeding and did vote on the Confirmed Plan of Reorganization (the "Plan").

5. On February 16, 2015, CCC filed a Satisfaction of Judgment in the District Court action, Case No. 08-cv-00235. A copy of the Satisfaction of Judgment is attached hereto as Exhibit C.

6. CCC asserts no claim against the Debtor.

7. On March 10, 2015, the Court entered an Order which provided:

The Motion of Continental Casualty Company Pursuant to Bankruptcy Rule 3006 to Withdraw Claim and Notice of Hearing (ECF No. 110) is denied, subject to reconsideration at the continued hearing on Plaintiff's application for temporary restraining order/preliminary injunction.

8. On May 12, 2015, the Court entered an Order granting UCC's motion to dismiss the adversary case filed by the Debtor which sought the aforementioned injunctive relief.

9. On August 13, 2015, the Court entered an Order disposing of the Debtor's post-judgment motion.

10. CCC now refiles its Motion to Withdraw Claim per the Court's March 10, 2015 Order.

11. CCC, being the owner of the Claim, seeks to withdraw its Claim in the bankruptcy case. There have been no distributions to unsecured creditors in this bankruptcy case either before or after confirmation of the Plan. There is not now pending before this Court any objections to the Claim and CCC, as the owner of the Claim, is not a party to any current action pending before the Bankruptcy Court (except, of course, this Motion to Withdraw) nor did the

owner of the Claim at any point in time during the pendency of this bankruptcy vote for the appointment of a trustee in this Chapter 11 proceeding.

WHEREFORE, Continental Casualty Company respectfully requests this Court enter an Order allowing Continental Casualty Company to withdraw its Claim.

Dated: August 20, 2015

CONTINENTAL CASUALTY COMPANY

By: HINSHAW & CULBERTSON LLP

By: /s/Thomas J. Lester
Thomas J. Lester
One of Its Attorneys

HINSHAW & CULBERTSON LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
Phone: (815) 490-4900
Fax: (815) 490-4901

John P. Melko
Gardere Wynne Sewall LLP
2000 Wells Fargo Plaza
1000 Louisiana Street
Houston, TX 77002

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served upon the debtor, counsel for the debtor, U.S. Trustee and parties requesting notice as shown below, by ECF and United States mail, first class, postage prepaid, on the 20th day of August, 2015.

/s/ Thomas J. Lester

Thomas J. Lester

Debtor

UPD Global Resources, Inc.
9727 St. Johns Ct.
Pilot Point, TX 76258

Counsel for Debtor

Leonard H. Simon
William P. Haddock
Pendergraft & Simon
2777 Allen Parkway, Suite 800
Houston, TX 77019

U.S. Trustee

United States Department of Justice
Office of the United States Trustee
Judy A. Robbins
United States Trustee
Ellen M. Hickman, Attorney
515 Rusk, Suite 3516
Houston, TX 77002

Parties Requesting Notice

Jill S. Willhoft
Harris and Rufty LLC
650 Poydras St., Ste 2710
New Orleans, LA 70130
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John P. Dillman
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9545 Katy Freeway, Suite 200
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sleyh@lpmfirm.com

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

JAN 28 2015

David J. Bentley, Clerk of Court

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re

UPD GLOBAL RESOURCES, INC.,

No. 11-36970

Chapter 11

Debtor.

NOTICE OF TRANSFER OF CLAIM OTHER THAN FOR SECURITY

Notice is hereby provided, pursuant to Rule 3001(e)(2), Fed.R.Bankr.P., that Claim No. 3 filed by PBC Services, Inc., in the amount of \$5,878,070.49, said Claim having been deemed and allowed a general unsecured claim in the amount of \$5,670,534.77, pursuant to Order entered by the Bankruptcy Court on October 16, 2012, has been transferred and assigned, other than for security, to Continental Casualty Company.

Respectfully submitted,

By: /s/Thomas J. Lester 

Thomas J. Lester

Hinshaw & Culbertson LLP

100 Park Avenue

P.O. Box 1389

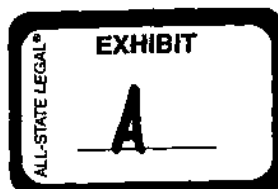
Rockford, IL 61105-1389

Phone: (815) 490-4900

Fax: (815) 490-4901

tlester@hinshawlaw.com

**ATTORNEY FOR CONTINENTAL
CASUALTY COMPANY**



ACKNOWLEDGMENT

Undersigned counsel for PBC Services, Inc., hereby acknowledges that Claim No. 3 filed by PBC Services, Inc., has been transferred and assigned, other than for security, to Continental Casualty Company and Continental Casualty Company holds all right, title and interest to said Claim.

By: 

Alfred J. Ruffy, III (SBOT No. 29457)
Harris & Ruffy, LLC
650 Poydras Street, Suite 2710
New Orleans, Louisiana 70130

**Name and Address Where Notice
to Transferee Should be Sent:**

Thomas J. Lester
Hinshaw & Culbertson LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
Phone: (815) 490-4900
Fax: (815) 490-4901
tjester@hinshawlaw.com

I declare under penalty of perjury that the information provided in this Notice is true and correct to the best of my knowledge and belief.

By: 

Thomas J. Lester, as Transferee's Agent

Date: 1/27/15

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**PBC Services, Inc.,
Plaintiff,**

vs.

**Civil Action No. 4:08-cv-00235
ADMIRALTY**

**UPD Global Resources, Inc.,
Defendant.**

NOTICE OF TRANSFER

PBC Services, Inc., submits this notice, in accordance with §12.014, *Texas Property Code*, demonstrating the final judgment of the District Court entered November 30, 2010, in favor of PBC Services, Inc., and against UPD Global Resources, Inc., awarding compensatory damages (\$4,329,000.00), plus reasonable attorneys' fees later determined (\$1,441,557.00) and interest (\$107,513.40), totaling \$5,878,070.49, has been transferred and assigned by PBC Services, Inc., to Continental Casualty Company.

PREMISES CONSIDERED the District Court's final judgment having been transferred by PBC Services, Inc., to Continental Casualty Company, the Clerk of Court is hereby authorized and directed to enter and record the transfer on the docket of said judgment.

Respectfully submitted

By: 

Alfred J. Rufty, Jr. (SBOT No. 29457)
Harris & Rufty, LLC
650 Poydras Street, Suite 2710
New Orleans, Louisiana 70130
Office: (504) 525.7500
Facsimile: (504) 525.7222
AJR@harrisrufty.com

ATTORNEY FOR PBC SERVICES, INC.



ACKNOWLEDGMENT

Today Tim Bourgeois appeared before me, and after being duly sworn, he testified:

1. My name is Tim Bourgeois. I am an adult resident of Houma, Louisiana. In addition, I am President of and principal shareholder in P.B.C. Services, Inc., whose administrative office is located at 2041 Coteau Road in Houma, Louisiana.
2. P.B.C. Services, Inc., commenced and prevailed in the matter *PBC Services, Inc. v. UPD Global Resources, Inc.*, bearing Civil Action No. 08-235, formerly pending in the United States District Court for the Southern District of Texas, Houston Division, securing against UPD Global Resources, Inc., a final judgment for damages, attorneys' fees, costs and interest totaling \$5,878,070.49.
3. The final judgment, subject of the Notice of Transfer acknowledged by this instrument, was transferred and assigned by P.B.C. Services, Inc., to Continental Casualty Company, and Continental Casualty Company holds all right, title and interest to and deriving from said final judgment.
4. I attest under penalty of perjury the statements expressed above are true and correct.

By: 
Tim Bourgeois, President,
P.B.C. Services, Inc.

SUBSCRIBED AND SWORN TO BEFORE ME this ____ day of January 2015

By: 
Notary Public, State of Louisiana

My commission expires:



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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON TEXAS**

IN RE:)
) Case No.: 11-36970-H5-11
UPD Global Resources, Inc.,) Chapter 11
)
Debtor.)

ORDER

THIS MATTER having come before the Court on the Motion of Continental Casualty Company pursuant to Bankruptcy Rule 3006 to withdraw claim and the Court having reviewed the pleadings, grants the Motion.

THEREFORE, IT IS HEREBY ORDERED that Claim No. 3 is hereby deemed withdrawn.

Dated: _____

THE HONORABLE KAREN K. BROWN
U.S. BANKRUPTCY JUDGE



Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served upon the debtor, counsel for the debtor, U.S. Trustee and parties requesting notice as shown below, by ECF and United States mail, first class, postage prepaid, on the 6th day of February, 2015.

/s/Thomas J. Lester

Debtor

UPD Global Resources, Inc.
9727 St. Johns Ct.
Pilot Point, TX 76258

Counsel for Debtor

Leonard H. Simon
William P. Haddock
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Houston, TX 77019

U.S. Trustee

United States Department of Justice
Office of the United States Trustee
Judy A. Robbins
United States Trustee
Ellen M. Hickman, Attorney
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Houston, TX 77002

Parties Requesting Notice

Jill S. Willhoft
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